

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CIVIL CASE NO. 2:12cv89

ROSS W. ADAMS,)
Petitioner,)
vs.)
NANCY ELIZABETH ADAMS,)
Individually and as Successor Co-Trustee,)
MATTIE CAROL ADAMS,)
Individually and as Successor Co-Trustee,)
JUDY MAE ADAMS CLARK,)
Individually and as Successor Co-Trustee,)
KEVIN J. CLARK, and)
NANCY ATKINSON ADAMS, Trustee,)
Respondents.)
_____)

ORDER OF REMAND

THIS MATTER is before the Court on the Petitioner's Motion to Remand [Doc. 9].

On November 26, 2012, the United States Department of Agriculture Forest Service filed a Notice of Removal of a Special Proceeding which had been initiated in the Superior Court for Cherokee County. [Doc. 1]. That proceeding was brought to establish a statutory cartway over lands owned by the individual Respondents. [Doc. 1-1]. When the United States

was added to that proceeding as an additional Respondent, the Government removed the action based on 28 U.S.C. §1346(f) & §1441 because the special proceeding involved a claim to quiet title to real property owned by the United States. On January 10, 2013, the United States and the Petitioner filed a Notice of Stipulation of Dismissal of the United States Department of Agriculture Forest Service without Prejudice. [Doc. 10]. On that same day, the Petitioner moved to remand the matter to state court, there being no claims left over which this Court has original jurisdiction. [Doc. 9]. No opposition has been filed to the motion by any Respondent and it will therefore be granted.

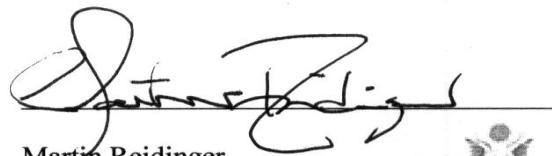
ORDER

IT IS, THEREFORE, ORDERED that the Petitioner's Motion to Remand [Doc. 9] is hereby **GRANTED** and this action is hereby **REMANDED** to the General Court of Justice Superior Court Division, Cherokee County.

IT IS FURTHER ORDERED that the Motion to Dismiss of the United States [Doc. 2] is hereby **DENIED** as moot.

The Clerk of Court is instructed to mail a copy of this Order to the Clerk of Court for Cherokee County.

Signed: February 4, 2013



Martin Reidinger
United States District Judge

